

Facsimile Number 574-273-0038  
**FAX RECEIVED**

---

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

---

MAY 14 2007

OFFICE OF PETITIONS

Application Number: 10/789,974  
Applicant: Francis M. Carlson  
Filed: February 28, 2004  
Title: Methods of Evaluating Undersaturated Coalbed Methane  
Reservoirs  
TC/A.U: 3672  
Examiner: Daniel P. Stephenson  
Assignee: Yates Petroleum Corporation  
Attorney Docket: Yates-CDP-US-NProv  
Customer No. 33549

---

**PETITION TO SUSPEND RULES,****UNDER 37 C.F.R. §1.183**

Assignee, under 37 C.F.R. §1.183, hereby petitions the US Patent and Trademark Office suspend 37 C.F.R. 1.97(i) as it would otherwise apply in this case at this time. Under ordinary situations, 37 C.F.R. 1.97(i) operates to disallow the consideration of an information disclosure statement filed in non-compliance with 37 C.F.R. 1.97, mandating instead that such information disclosure statement merely "be placed in the file." 37 C.F.R. 1.97(i). In accordance therewith, 37 C.F.R. 1.97(i) operates to disallow the consideration of an Information Disclosure Statement filed after payment of the issue fee, *inter alia*.

Assignee hereby petitions the Office, under 37 C.F.R. §1.183, to suspend 37 C.F.R. 1.97(i) as it would otherwise apply in this case.

As a brief background, the Assignee, on March 1, 2007, paid issue and publication fees in the above captioned application. On April 25, 2007, an Issue Notification was sent from the Patent Office to the Assignee's representative, indicating that the instant application was to issue as a patent on May 15, 2007. On May 8, 2007, Assignee's representative received a letter in which were provided several documents, heretofore unknown to the Assignee or its representatives, which may or may not be material to the examination of the instant application. As such, the Assignee would request that Rule 97(i) be suspended, and the references be considered by the Office before Tuesday, May 15, 2007. If, after such consideration, and as Assignee anticipates, the Office is of the opinion that the claims of the application are indeed patentable over the references enclosed herein, it is requested that the Office allow the patent to issue on May 15, 2007 as originally intended. Such references are cited in the information disclosure statement provided herein, and copies of such references are also provided herein.

10/02/2008 CKHLOK 00000002 10789974

01 FC:1462

400.00 OP

The Assignee would submit that, indeed, the circumstances of this case amount to an extraordinary situation, and that justice requires that Rule 97(i) be suspended. More particularly, the Assignee received the attached references precisely one week before the issue date of the patent - a very late point in time in the prosecution. Further, Assignee is of the opinion - and is confident the Office will agree - that the references are either marginally relevant at best, or duplicative of prior art already considered in the application.

Assignee further indicates that it has submitted herewith a statement under 37 CFR §1.97(e)(2), and the fee under 37 CFR §1.17(p).

In summary, Assignee requests that 37 C.F.R. 1.97(i) be suspended so that the information disclosure statement and references cited herewith be considered immediately in this application. Further, if indeed the Office is of the opinion that the claims of the application are indeed patentable over the references enclosed herein, it is requested that the Office allow the patent to issue on May 15, 2007 as originally intended.

Dated this 14<sup>th</sup> day of May, 2007.

Respectfully Submitted,  
SANTANGELO LAW OFFICES, P.C.

By:



Al Wiedmann Jr.  
Attorney for Assignee  
USPTO Reg No. 48,033  
125 South Howes, Third Floor  
Fort Collins, CO 80521  
(970) 224-3100